



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20542

RQ-3

January 9, 2003

Robert T. Morgan, Treasurer
Gingrey for Congress
P.O. Box U
Marietta, GA 30060

Identification Number: C00370783

Reference: Amended October Quarterly Report (8/22/02-9/30/02), received 10/28/02 and Amended 12 Day Pre-General Report (10/1/02-10/16/02), received 10/28/02

Dear Mr. Morgan:

This letter is to inform you that as of January 8, 2003 the Commission has not received your response to our requests for additional information dated December 17, 2002. These notices request information essential to full public disclosure of your federal election campaign finances. To ensure compliance with the provisions of the Federal Election Campaign Act (the Act), please respond to these requests (copies enclosed).

An adequate response must be received at the Commission by January 29, 2003. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter, please contact Camilla Reminsky on our toll-free number (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division) or our local number (202) 694-1130.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

RQ-2

Robert T. Morgan, Treasurer
Gingrey for Congress
PO Box U
Marietta, GA 30060

DEC 17 2002

Identification Number: C00370783

Reference: Amended 12 Day Pre-General Report (10/1/02-10/16/02), received
10/28/02

Dear Mr. Morgan:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses one or more contributions which appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

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If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained within sixty (60) days of receipt if, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within sixty (60) days of receipt, the excessive amount was properly designated for a different election, by obtaining signed written authorization from the contributor(s) pursuant to 11 CFR §110.1(b)(5) or §110.2(b)(5). Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or redesignations were not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund and/ or any photocopies of letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be taken into consideration.

-Schedule C of your report discloses an outstanding loan from a lending institution reported with an interest rate of 4.75%. However your report does not disclose any interest payments or carry the interest due as debt. Please note that outstanding accrued interest on loans must be reported on

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Schedule D, while interest payments on loans must be reported as operating expenditures on Line 17 of Schedule B. (11 CFR §§104.3(b) and (d)) Non-payment of interest on the loan may be considered a prohibited contribution by the lending institution. If the interest payment(s) are being made by the candidate, they should be reported as in-kind contributions on Schedules A and B. Please amend your report to clarify the current status of the interest payment(s).

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1)) See 11 CFR §104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a request via mail, e-mail or telephone documented in writing. (11 CFR § 104.7(b)(2)) Follow-up requests should be done, if necessary. These requests must be documented clearly in the form of written records. The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

GINGREY FOR CONGRESS

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Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

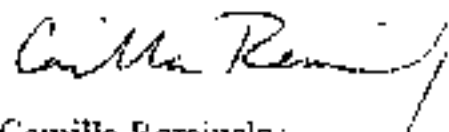
Please provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide for Congressional Committees and Candidates.

-Your report discloses a loan from a lending institution; however, you have not submitted a Schedule C-1 (copy attached) and a copy of the loan agreement. As an electronic filer, you must submit the Schedule C-1 electronically without the original signature from the lending institution. In addition, you must mail a copy of the loan agreement and a separate copy of the Schedule C-1 that contains the original signature from the lending institution. Please submit the missing documents. (11 CFR §§104.3(d)(2) and 104.18(h))

-For future reports, please be advised that contributions to other committees or charitable organizations are not operating expenditures. These amounts should be disclosed on Line 21 of the Detailed Summary Page information and itemized on a separate Schedule B. (11 CFR §104.3(b)(2))

A response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Camilla Reminsky
Campaign Finance Analyst
Reports Analysis Division

7. Reporting Joint Contributions²

For purposes of itemization, a committee treats a joint contribution as though the individuals participating in the contribution had made their contributions separately. For example, if a committee receives a \$300 check with two signatures but with no written attribution, the committee attributes the contribution equally between the donors—\$150 to each donor, 104.8(k)(2). If neither donor has previously contributed to the committee during the year, the committee does not have to itemize either contribution; nor does it have to itemize the \$300 total joint contribution. If, on the other hand, the \$300 check is accompanied by a signed statement attributing \$250 to one individual and \$50 to the other, the \$250 contribution must be itemized. The \$50 contribution is included in the total of unitemized contributions.³

8. Reporting Redesignations and Reattributions⁴

Receipt of Original Contribution

When itemizing a contribution that must first be redesignated or reattributed before it is legally acceptable, a committee must include a statement on Schedule A noting that the legality of the contribution is in question, 104.8(b)(5).

Receipt of Redesignation or Reattribution

A committee must also comply with special procedures when reporting the receipt of reattributions and redesignations of contributions that were originally itemized on previous reports. (There is no need to report a reattribution or

REATTRIBUTIONS

SCHEDULE A ITEMIZED RECEIPTS Contributions from Individuals		Use separate schedule for each category of the following category page		PAGE 1 OF 3 FOR LINE NUMBER 11 (P. 11)
Any information entered here must apply to all items and cannot be used by any person for the purpose of claiming a contribution or for other financial purposes, other than using the name and address of a contributor to solicit contributions or for other financial purposes.				
NAME OF COMMITTEE (in full) Sara Jones for Congress 000015581				
A. Full Name, Address, City, State and ZIP Code Howard Richmond 40 Shepherd Avenue City, State, 00000	Name of Employer Spec Tech Industries, Inc.	Date Received 12/15/90	Amount of Each Contribution Period \$4,000 (12/15/90 - 12/15/90)	
Receipt for: <input type="checkbox"/> Cash <input type="checkbox"/> Other Property <input type="checkbox"/> Other	Signature Lobbyist	Date Received 1/15/91	Amount of Each Contribution Period \$2,000 (1/15/91 - 1/15/91)	
B. Full Name, Address, City, State and ZIP Code Jeanne Richmond (same as above)	Name of Employer None	Date Received 1/15/91	Amount of Each Contribution Period \$1,000 (1/15/91 - 1/15/91)	
Receipt for: <input type="checkbox"/> Cash <input type="checkbox"/> Other Property <input type="checkbox"/> Other	Signature A. Stoney	Date Received 1/15/91	Amount of Each Contribution Period \$1,000 (1/15/91 - 1/15/91)	

REDESIGNATIONS

SCHEDULE A ITEMIZED RECEIPTS Contributions from Individuals		Use separate schedule for each category of the following category page		PAGE 1 OF 3 FOR LINE NUMBER 11 (P. 11)
Any information entered here must apply to all items and cannot be used by any person for the purpose of claiming a contribution or for other financial purposes, other than using the name and address of a contributor to solicit contributions or for other financial purposes.				
NAME OF COMMITTEE (in full) Sara Jones for Congress 000015581				
A. Full Name, Address, City, State and ZIP Code Betsy Randall 486 8th Street City, State 00000	Name of Employer James & Smith	Date Received 12/2/90	Amount of Each Contribution Period \$1,000 (12/2/90 - 12/2/90)	
Receipt for: <input type="checkbox"/> Cash <input type="checkbox"/> Other Property <input type="checkbox"/> Other	Signature A. Stoney	Date Received 1/15/91	Amount of Each Contribution Period \$1,000 (1/15/91 - 1/15/91)	
B. Full Name, Address, City, State and ZIP Code Betsy Randall (same as above)	Name of Employer James & Smith	Date Received 1/15/91	Amount of Each Contribution Period \$1,000 (1/15/91 - 1/15/91)	
Receipt for: <input type="checkbox"/> Cash <input type="checkbox"/> Other Property <input type="checkbox"/> Other	Signature A. Stoney	Date Received 1/15/91	Amount of Each Contribution Period \$1,000 (1/15/91 - 1/15/91)	

redesignation if the original contribution was not itemized.⁵) On the report covering the period during which the committee received the redesignation or reattribution, the committee must disclose, as a memo entry, information on both the original contribution and the redesignation or reattribution. The memo entry appears on a Schedule A for the category of contribution involved. (For example, a reattribution would appear with other itemized contributions on a Schedule A used for "Contributions from Individuals/Persons Other Than Political Committees.")

The first part of the memo entry discloses all the information on the contribution as it was originally reported on Schedule A. The second part of the memo entry discloses information on the contribution as it was redesignated or reattributed, including the date the redesignation or reattribution was received and, in the case of a redesignation, the election for which the contribution was redesignated, 104.8(d)(2) and (3). (See examples above.)

2. See also page 14 for more information on joint contributions.
3. As explained in the Explanation and Justification to revised rules on contribution limits, prescribed April 6, 1987 (52 Fed. Reg. 760, January 8, 1987).
4. Redesignations and reattributions are explained on page 14.

5. As explained in the Explanation and Justification to revised rules on contribution limits, prescribed April 6, 1987 (52 Fed. Reg. 760, January 8, 1987).

**EXCESSIVE
CONTRIBUTIONS ON
THE 2002 12 DAY PRE-GENERAL
REPORT**

**P = Primary Election
G = General Election**

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Barlow	James	09/30/2002	\$ 1,000	G
Barlow	James	10/09/2002	\$ (1,000)	G
Barlow	James	10/09/2002	\$ 2,000	G
Calloway	M.R.	10/11/2002	\$ 1,000	P
Calloway	M.R.	10/11/2002	\$ 2,000	G
Caras	David	11/14/2001	\$ 1,000	P
Caras	David	10/08/2002	\$ 250	P
Edenfield	Norma	07/18/2002	\$ 500	P
Edenfield	Norma	10/04/2002	\$ 500	P
Edenfield	Norma	10/04/2002	\$ 2,000	G
Edenfield	Norma	10/13/2002	\$ (500)	G
Jordan	Myles	10/03/2002	\$ 2,000	G
Jordan	Myles	10/03/2002	\$ 1,000	P
McKernan	Judith	10/01/2002	\$ 2,000	G
McKernan	Judith	10/01/2002	\$ 1,000	P
Nguyen	Khuong	10/04/2002	\$ 2,000	G
Nguyen	Khuong	10/04/2002	\$ 1,000	P
Pearson	John	10/10/2002	\$ 1,000	P
Pearson	John	10/10/2002	\$ 2,000	G
Stephenson	Donna	10/01/2002	\$ 1,000	P
Stephenson	Donna	10/01/2002	\$ 2,000	G
Stephenson	James	10/01/2002	\$ 1,000	P
Stephenson	James	10/01/2002	\$ 2,000	G
Tiley	Beth	10/04/2002	\$ 1,250	G
Tiley	Beth	10/04/2002	\$ 250	P
Wallace	Cecilia	10/04/2002	\$ 2,000	G
Wallace	Cecilia	10/04/2002	\$ 1,000	P
Williams	John	10/15/2002	\$ 1,000	G
Williams	John A.	10/15/2002	\$ 250	G

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